

## PATENT COOPERATION TREATY

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## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD53597PC	<b>FOR FURTHER ACTION</b> See Form PCTMPEA/416	
International application No. PCT/EP2004/011471	International filing date (day/month/year) 13.10.2004	Priority date (day/month/year) 15.10.2003
International Patent Classification (IPC) or national classification and IPC H04M1/725, H04M1/57		
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB		
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 6 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <ul style="list-style-type: none"> <li>a. <input checked="" type="checkbox"/> <i>(sent to the applicant and to the International Bureau)</i> a total of 3 sheets, as follows:           <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> </li> <li>b. <input type="checkbox"/> <i>(sent to the International Bureau only)</i> a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</li> </ul>		
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Box No. I Basis of the opinion</li> <li><input type="checkbox"/> Box No. II Priority</li> <li><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li><input type="checkbox"/> Box No. IV Lack of unity of invention</li> <li><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li><input type="checkbox"/> Box No. VI Certain documents cited</li> <li><input checked="" type="checkbox"/> Box No. VII Certain defects in the international application</li> <li><input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application</li> </ul>		
Date of submission of the demand  10.08.2005	Date of completion of this report  12.10.2005	
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  de Biolley, L  Telephone No. +31 70 340-3137	



# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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## Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

### Description, Pages

1-10 as originally filed

### Claims, Numbers

1-17 filed with telefax on 10.08.2005

### Drawings, Sheets

1/2, 2/2 as originally filed

- a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3.  The amendments have resulted in the cancellation of:
  - the description, pages
  - the claims, Nos. 18-21
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):
4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
  - the description, pages
  - the claims, Nos.
  - the drawings, sheets/figs
  - the sequence listing (*specify*):
  - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes:	Claims	1-17
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-17
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-17
	No:	Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

**Box No. VII Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**see separate sheet**

**Box No. VIII Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1 Reference is made to the following documents:

D1: US 2003/016800 A1 (FUKUDA MICHIKO) 23 January 2003 (2003-01-23)  
D2: US 2003/086547 A1 (CHUANG KEVIN) 8 May 2003 (2003-05-08)  
D3: EP-A-1 278 361 (COMVERSE LTD) 22 January 2003 (2003-01-22)

2 INDEPENDENT CLAIM 1

2.1 The document D2 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (see D2, paragraphs 15-23):

Method of using playable electronic media data for notification of events in a portable communication device, comprising the steps of :  
setting the data as a notification of events, storing the data, detecting the occurrence of an event, retrieving the data and playing the data in dependence of the detection.

The subject-matter of claim 1 differs from this known method in that the electronic media data is a message being received via a network.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2.2 The problem to be solved by the present invention may be regarded as being able to use a variety of multimedia notifiers, said multimedia notifiers being received via a network, in such a manner that unnecessary use of memory space is avoided.

2.3 The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons: storing an incoming media message and using the media message for event notification in a portable communication device is not rendered obvious by the available prior art. This has the advantage that the media message is stored only once in the device, thus saving memory space.

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**3 INDEPENDENT CLAIMS 8, 16 AND 17**

Similar reasoning can be applied to corresponding independent claims 8, 16 and 17. The subject-matter of said claims is therefore also new (Article 33(1) and (2) PCT).

**4 DEPENDENT CLAIMS**

Claims 2-7 and 9-15 are dependent on one of claims 1, 8, 16 or 17 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**Re Item VII.**

- 1 Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1-D3 is not mentioned in the description, nor are these document identified therein.
- 2 The independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.
- 3 There is a syntax error in claim 8, page 12 line 4 : "a radio circuit arranged to, and ..."

**Re Item VIII.**

- 1 Although claims 16 and 17 have been drafted as separate independent claims, they appear to relate effectively to the same subject-matter and to differ from each other only with regard to the definition of the subject-matter for which protection is sought or in respect of the terminology used for the features of that subject-matter. The aforementioned claims therefore lack conciseness and as such do not meet the requirements of Article 6 PCT.
- 2 According to the requirements of Rule 10.2 PCT, the terminology and the signs shall be consistent throughout the application. This requirement is not met in view of the use of the expressions "media message" and "multimedia message" for the same feature (see

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claim 1).